



#16

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BROWN, Peter

Appl. No. 09/100,088

Filed: June 19, 1998

For: **Method and Computer Program  
Product for Simulating Solution  
Preparation in Biopharmaceutical  
Batch Process Manufacturing**

Art Unit: 2123

Examiner: Hugh M. Jones

Atty. Docket: 1606.0020004

**Petition to Withdraw Holding of Abandonment****RECEIVED**

Commissioner for Patents  
Washington, DC 20231

JAN 06 2003

Technology Center 2100

Sir:

Applicants hereby petition to withdraw the holding of abandonment in the above-captioned application (Paper No. 15), issued on December 16, 2002. It is respectfully believed that the Notice of Abandonment was issued in error, for the following reasons.

A Final Office Action (Paper No. 11) was issued in the above-identified case on January 3, 2001. In response, Applicant timely filed a Notice of Appeal and Petition for a three-month extension of time on July 3, 2001 along with the requisite fees.

In place of an Appeal Brief, applicant elected to file a Request for Continued Examination, an Amendment and Reply. These documents, a Petition for a five-month extension of time, and the requisite fees were timely filed on February 4, 2002.

Copies of the documents filed on February 4, 2002, along with a copy of the return receipt postcard bearing the PTO date stamp of February 4, 2002, are attached hereto.

The Examiner indicated to a member of the undersigned firm that the Amendment and Reply filed February 4, 2002 is missing from the file, which resulted in the Notice of Abandonment. However, the Amendment and Reply were in fact timely filed as shown by the attached copies and stamped receipt.

Accordingly, it is respectfully submitted that a bona fide Request for Continued Examination and a proper response were timely filed, and that the Notice of Abandonment

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was issued in error. Reconsideration of the holding of abandonment and withdrawal of the holding of abandonment are therefore respectfully requested. The requisite fee of \$130.00 for consideration of this petition (37 C.F.R. § 1.17(h)) is provided in our accompanying PTO-2038 Credit Card Payment Form.

However, in the event that this petition is not granted and it is held that the Notice of Abandonment was properly issued, then Applicants respectfully petition under 37 C.F.R. § 1.137(b) to revive the above-captioned application, which was unintentionally abandoned. Applicants respectfully submit that the entire delay in providing any required reply from the due date for the reply until the filing of this grantable petition pursuant to this paragraph was unintentional. It is respectfully requested that the RCE filed on February 11, 2002, be considered as the requisite reply in accordance with 37 C.F.R. §§ 1.137(b)(2) and (c).

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees, including the fee for Petition to Revive under 37 C.F.R. § 1.137(b) if necessary, any additional extensions of time that may be necessary to prevent abandonment of this application which are also hereby petitioned under 37 C.F.R. § 1.136(a), to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 1-2-03

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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Admitted only in Texas  
\*Practice Limited to  
Federal Agencies

January 2, 2003

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**JAN 06 2003**

Art Unit 2123

**Technology Center 2100**

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Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Utility Patent Application  
Appl. No. 09/100,088; Filed: June 19, 1998  
For: **Method and Computer Program Product for Simulating Solution Preparation  
in Biopharmaceutical Batch Process Manufacturing**  
Inventors: Peter G. Brown  
Our Ref: 1606.0020004/RES/ERS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form PTO/SB/17;
2. Petition to Withdraw Holding of Abandonment; and
3. One (1) Return Postcard; and
4. PTO-2038 Credit Card Payment Form for \$130.00 to cover:  
\$130.00 for Petition to Withdraw Holding of Abandonment.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Evan R. Smith  
Attorney for Applicant  
Registration No. 35,683

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Enclosures  
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